

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Proposing rule making related to inspectors of boilers and pressure vessels and providing an opportunity for public comment

The Labor Commissioner hereby proposes to amend Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 89.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 89.

Purpose and Summary

Iowa Code section 89.7 requires that a commissioned special inspector be a representative of a “reputable insurance company”; however, current rules do not address this requirement. These proposed amendments would define the phrase “reputable insurance company” and allow the Labor Commissioner to deny, revoke, or suspend a special inspector commission if the inspector does not represent an insurance company recognized by the Iowa Insurance Commissioner.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commissioner no later than 4:30 p.m. on August 20, 2019. Comments should be directed to:

Kathleen Uehling
Division of Labor Services
150 Des Moines Street
Des Moines, Iowa 50319-0209
Email: kathleen.uehling@iwd.iowa.gov

Public Hearing

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

August 20, 2019
9 a.m.

150 Des Moines St.
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commissioner and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Renumber subrules **90.9(1)** to **90.9(9)** as **90.9(2)** to **90.9(10)**.

ITEM 2. Adopt the following **new** subrule 90.9(1):

90.9(1) Definition of “reputable insurance company.” As used in this rule, “reputable insurance company” means a company recognized by the Iowa insurance division as a licensed insurer, a risk retention group, an alien surplus lines insurer, or a surplus lines insurer.

ITEM 3. Amend renumbered subrule 90.9(5) as follows:

90.9(5) Denials. The labor commissioner may refuse to issue or renew a special inspector's commission for failure to complete an application package, if the applicant or inspector does not hold a National Board commission, or for any reason listed in subrules ~~90.9(6)~~ 90.9(7) to ~~90.9(8)~~ 90.9(9).

ITEM 4. Amend renumbered subrule 90.9(7) as follows:

90.9(7) Reasons for probation. The labor commissioner may issue a notice of commission probation when an investigation reasonably reveals that the special inspector does not represent a reputable insurance company or the special inspector filed inaccurate reports.

ITEM 5. Amend renumbered paragraphs **90.9(8)“f,” “i” and “j”** as follows:

f. The special inspector committed numerous violations as described in subrule ~~90.9(6)~~ 90.9(7);
i. The division received a certificate of noncompliance; ~~or~~
j. The special inspector failed to take appropriate disciplinary actions against a subordinate special inspector who has committed repeated acts or omissions listed in paragraphs “a” to “h” of this subrule;
or

ITEM 6. Adopt the following **new** paragraph **90.9(8)“k”**:

k. The special inspector does not represent a reputable insurance company.

ITEM 7. Amend renumbered paragraphs **90.9(9)“e,” “h” and “i”** as follows:

e. The special inspector committed repeated violations as described in subrule ~~90.9(7)~~ 90.9(8);
h. The National Board revoked or suspended the special inspector's work card; ~~or~~
i. The division received a certificate of noncompliance; or

ITEM 8. Adopt the following **new** paragraph **90.9(9)“j”**:

j. The special inspector does not represent a reputable insurance company.